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Martha's Vineyard Commission

DRI # 549-M Hart Plumbing & Hardware

MVC Staff Report – 2007-03-01

Note: New information is printed in bold type.

1. DESCRIPTION

- 1.1 Applicant:** James Hart, the Hart Co., Inc.
- 1.2 Project Location:** 56 Indian Hill Road, West Tisbury, MA Map 16 Lot 82 (0.53 acres)
- 1.3 Proposal:** To change the use of an approved but not yet built office building with basement and attic storage to a combination of plumbing business, hardware store and two apartments.
- 1.4 Zoning:** MB, Mixed-Use Business District. The property is a pre-existing non-conforming grandfathered lot of 20,000 sf. in the MB District. The ZBA granted a Variance with Conditions to allow an office building of 1,964 sf with 19- feet of side yard setback relief. **The conditions included a lower roof and a reduction in parking spaces to eight (8). Changes to the structure, use, and parking would require further consideration by the appropriate Boards.** The ZBA referred a proposed expansion to the MVC in 2002 but the proposal was withdrawn.
- 1.5 Local Permits:** The project if approved would require a Special Permit from the ZBA under Section 3.1-1 for a project with more than 3,000 sf in the MB District. The proposal would require a Special Permit from the Planning Board under Section 6.6-5B2 for a project in the Greenlands Water Resource Protection District that proposed to render impermeable more than 15% of the lot. The proposal will have to be reviewed again by the Planning Board for an increase in parking spaces and changes to the plan they approved in 2000. The Plan will have to be reviewed again by the ZBA for an increase in parking spaces and changes to the plan they approved January 24, 2001.
- 1.6 Surrounding Land Uses:** Immediate neighbors are residences in a mixed-use business district. The property is close to up-island Cronig's, the Post Office, and the Wellness Center.
- 1.7 Project History:** The project was before the MVC in 2002 but was withdrawn without prejudice; therefore it is not a previous DRI. The applicant has been permitted to construct a 1,964 sf footprint office building with storage in the attic and basement and **eight parking spaces**. He was told that when and if he wanted either an apartment upstairs or use of the basement for other than storage he would be referred to the MVC. **NOTE: Also see a one page history of this property and the proposals for it that have been reviewed by the West Tisbury Planning Board and ZBA.**
- 1.8 Project Summary:** To change the use of an approved but not yet built building from office to a combination of plumbing business and hardware store with two second floor apartments (one to be permanently deed restricted to be affordable). **The proposal requests 18 parking spaces and has been approved for eight.** The plumbing business has 6 employees who come to the shop in the morning to prepare and then go out. He estimates three employees at the store.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Murray Frank, Chairman, West Tisbury Planning Board.
- 2.2 DRI Trigger:** 3.301e and 3.301h. 3.301e: Any development of commercial, storage, office and/or industrial lands or building(s)...that has any change of use, or increase in intensity of use (including conversion of basements, storage space or other exempt floor space to active floor space) with the concurrence of the Martha's Vineyard Commission.
3.301h: Any development of commercial, storage, office and/or industrial lands or building(s)...that is on the list of high traffic-generating businesses provided as Attachment B, with the concurrence of the Martha's Vineyard Commission.
- 2.3 Pre-Application meeting with staff:** March 23, 2006
- 2.4 LUPC:** September 18, 2006. LUPC recommended not concurring by general consensus.
October 16, 2006. To consider the scope of traffic study and schedule a Site Visit.
- 2.5 Site visits:** December 14, 2006
- 2.6 Public Hearing:** Concurrence Review October 5, 2006 – The MVC voted to concur with the referral. Public Hearing: December 14, 2006. **At the Deliberations and Decision for this project held on February 15, 2007 the MVC voted to re-open the Public Hearing. Re-opened Public Hearing is scheduled for March 8, 2007.**

3. PLANNING CONCERNS

3.1 Some Key Issues

- Regional
- Wastewater: There are nitrogen-loading issues with this project.
- Local
- Traffic: While the project is in the Business District this would be the first business to have Indian Hill Road as its only access.
- **Traffic: Site Plans show a secondary service road that wraps around the building and runs along the boundary.**
- **Environment: Site Plans show 80-90% lot coverage in the Greenlands Water Resources Protection District.**
- **Development: An existing retaining wall may need rebuilding.**
- Character: The immediate neighborhood on Indian Hill road is of a residential character.

3.2 Environment

- **Vegetation:** The site was largely cleared when the foundation was put in several years ago.
- **Landscaping:** A landscaping plan has been submitted. West Tisbury Site Plan Review is requiring a vegetative buffer along Indian Hill Road.
- **Lighting:** Mr. Hart said at LUPC that minimal exterior lighting is also part of the Site Plan Review conditions.
- **Energy:** No mention was made at LUPC of any special energy proposal.
- **Waste Management:**
- **Habitat:** The site is not in an NHESP priority or estimated habitat.
- **Water:**
 - On site well. The project is located at an elevation of approximately 80 to 90 feet NGVD. Groundwater in the area would be at an elevation of 30 to 35 feet or some 50 feet below grade. Groundwater depth will pose no problems for construction.

- The soil type in the area is Haven very fine sandy loam, a prime agricultural soil, on 0 to 3 percent slopes. Soil erosion during grading should not be a problem.
- **Wastewater / Stormwater:**
 - *The Tisbury Great Pond watershed nitrogen-loading limit is 1.2 kilograms of nitrogen per acre per year. This project is estimated to produce a nitrogen load of 9.9 kilograms per acre per year with a denitrifying system.*
 - **The proposed wastewater flow would meet the Basic Nitrogen Reduction requirement for Compromised Watersheds under the new Water Quality Policy if allowed a 50% increase for affordable housing and a 50% increase for Smart Growth.**
 - Our mapping indicates that this site is located just within the Tisbury Great Pond watershed. This Pond is a nitrogen-sensitive pond that is now exhibiting symptoms of eutrophication.
 - The subject site is approximately 22,500 square feet in area.
 - The project is located within a nitrogen sensitive area as determined by Title 5 due to the use of private drinking water wells and on-site wastewater disposal. In these areas, wastewater flow is limited to the equivalent of 1 bedroom per 10,000 square feet.
 - This site would be allocated a flow equal to just over 2 bedrooms or 220 gallons per day.
 - In a letter from DEP dated 14 June 2001, they indicated that the desired design flow was 345 gallons of wastewater per day and required installation of a denitrifying wastewater system to address water quality concerns.
 - If we assume actual flow is 60% of the design flow and the flow from the commercial operation is only during the Monday-Friday period, the annual nitrogen loading would be 5.1 kilograms per year and 9.9 kilograms per acre assuming that the denitrifying system produces an effluent with 19 mg/l of total nitrogen not including landscaping.
 - The DEP letter required quarterly monitoring for two years and possibly reduced thereafter.
 - It was noted at LUPC that if the applicant was not proposing to change uses he wouldn't be sitting here. It was also noted that the bigger issue may be the location of the North Tisbury Business District right where several watersheds apparently begin.
 - The solution to that might be a package treatment facility for that area.
 - Another issue is determining exactly where the watersheds boundaries are.
 - **A stormwater infiltration system is planned that would hold 0.77 inches of runoff from the total proposed impervious area. This will accommodate most rain events. However, the Vineyard gets at least one event each year (on average) where rain falls at over 1 inch per hour and I do not believe that the system will be able to handle that rate of runoff. Excess runoff will move to the low point on the property and eventually to the abutting property where stormwater from surrounding uses now goes. A plan to discharge this excess at a rate that will not erode silt and sand and carry it into the common infiltration area is needed.**

3.3 Transportation

- **Access:** Off of Indian Hill Road
 - The latest plans show a one-way vehicular access to the basement along the entire eastern property border.
- **Parking:**
 - There are a total of 18 spaces marked on the plan.

- 9 spaces (one handicapped) in front for store customers and employees.
- 6 spaces in the rear of the building will be reserved for residents, employees, and commercial vehicles.
- 3 spaces (parallel) on the side of the building.
- West Tisbury Zoning requires one parking space for every employee (at peak employment) plus parking for the anticipated peak clientele.
- The proposed parking areas and access ways are entirely paved.
- **Traffic Summary:**
 - The ITE estimated trip generation for Hardware/Paint Store (816) is 51.29 trips per weekday per 1,000 gross square feet. Note: ITE caution due to a small sample size.
 - This project is proposing a 1,950 square feet store.
 - The estimated trip generation is 100 vehicle trips per weekday. 50 in and 50 out.
 - The two apartments can be expected to generate 6.59 trips per weekday each (ITE code 221: Low-Rise Apartment) or 13.18 total, though this could be reduced if the units are used as employee housing.
 - The estimated A.M. Peak Hour trips generated would be $9.5 + (.51*2) = 10.5$.
 - The estimated P.M. Peak Hour trips generated would be $9.25 + (.62*2) = 10.5$.
 - The estimated Saturday trips generated would be $161 + (7.16*2) = 175$, with a peak hour of 22.
 - The estimated Sunday trips generated would be $134 + (6.07*2) = 142$, with a peak hour of 19.
 - It can be expected that there will be some seasonal variation in these figures.
 - Note: If you count the stock/storage floor area, the trip generation numbers double.
 - At LUPC it was noted that this is going to be a big increase in intensity in that neighborhood. On the other hand it would be entered from Indian Hill Road so it should not add traffic to the entries and exits of the Middletown Exchange complex.
- **Mass Transit:**
 - The site is within 100 yards of the V.T.A. up-island hub at Cronig's.
- **Impact Analysis:**
 - Intersections in the study area generally operate at a LOS A at peak hours which would continue for both "build" and "no-build".
 - Vehicles taking a left from Indian Hill Rd. onto State Rd. can experience minor (30 second/LOS D) delays at peak times in season.
 - The applicant expects that possibly half of the traffic will come from up-Island via Christiantown Road, avoiding the more-congested intersection of Indian Hill Rd. and State Rd. Seems reasonable.
 - The impact of site-generated traffic on the neighboring street network will be generally minor.
 - The estimated 113 weekday, 175 Saturday, and 142 Sunday trips will be an increase of 10-15% in peak season, and 30% off-season. The peak-hour trips will rise by roughly the same.
 - Accident data from MassHighway shows that for the most-recent three years (2002-2004), there was one accident reported in the study area, at the access to the up-Island Cronig's from State Rd.

- Sight distances at the access to the property appear to be sufficient. Looking right from the existing access is somewhat difficult.
- A hardware store in this location could have a small positive effect on traffic on the highly traveled Upper State Road in Tisbury, and along other routes.
- At LUPC it was noted that this is going to be a big increase in intensity in that neighborhood. On the other hand it would be entered from Indian Hill Road so it does not add traffic to the entries and exits of the Middletown Exchange complex.

3.4 **Affordable Housing**

- Above the store on the second floor would be two one-bedroom apartments, one of which **must** be deed restricted to remain affordable **by the West Tisbury Zoning By-laws**, probably for an employee.

3.5 **Economic Impact**

- Mr. Hart said he needs to move his business and he owns this property. He is approved for an office building but doesn't really want to run an office building nor does he feel it would be viable. He wants to attach the use of the building to his business. A hardware store would complement his business and he thinks there is a need for a hardware store up-island.
- This is an appropriate use in the MB District.

3.6 **Scenic Values**

- **Streetscape:** The building should not be visible from State Road. It will change the character of Indian Hill Road although it is in the Mixed-Business Zone.
- **Building Massing:** It will be a fairly large building (walk out basement, a second floor, and a gable roof) in the center of the site.
- **Architectural Detailing:**
- **A.D.A. Accessibility:** While not confirmed yet the store will presumably be A.D.A. accessible.

3.7 **Local Impact/Abutters**

- Abutters voiced concerns about the size of the proposed building at the West Tisbury ZBA in 2002 when the applicant was proposing shed dormers. Abutters have expressed concern about the amount of activity relative to the size of the site.

4. **CORRESPONDENCE**

4.1 Town Officials: The West Tisbury Planning Board submitted a letter (October 5, 2006) requesting the MVC to concur with the referral and review the project as a DRI because of the potential impacts of a retail use on Indian Hill Road and the need for a traffic study.

4.2 Island Organizations:

4.3 Public: